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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSEMARY PICIULLO,

Plaintiff,

: ECF Case

: Case No. 09 CV 8318 (PAC)

v.

SWISS RE FINANCIAL SERVICES
CORPORATION, a Subsidiary of Swiss
Reinsurance Company,

Defendant.

: AMENDED CIVIL CASE
MANAGEMENT PLAN AND
SCHEDULING ORDER

This Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed. R. Civ. P.

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. 636(c).
2. This case is to be tried to a jury, except as to those claims and/or damages that are solely within the purview of the Court..
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order.
4. Initial disclosure pursuant to Rules 26(a)(1), Fed. R. Civ. P., shall be completed not later than 14 days from the date of this Order.

5. All fact discovery shall be completed no later than May 14, 2010.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above:
 - a. Initial requests for production of documents to be served by February 26, 2010.
 - b. Interrogatories to be served by February 26, 2010.
 - c. Depositions to be completed by April 26, 2010.
 - d. Requests to Admit to be served no later than March 15, 2010.
7.
 - a. All expert discovery shall be completed no later than June 28, 2010.
 - b. No later than thirty (30) days prior to the date in paragraph 5, i.e. the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) plaintiff's expert report(s) shall be due before those of defendant's expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).
8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.
9. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
10.
 - a. Counsel for parties have discussed an information exchange of information in aid of an early settlement of this case and have agreed upon the following: _____.
 - b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case: a settlement conference before a Magistrate Judge.
 - c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed at the following point in this (e.g. within the next 60 days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery): After the close of fact discovery.
 - d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is late). By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the promotion conference requirement is waived) shall be filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed voir dire, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.
12. Counsel for the parties have conferred and their present estimate of the length of trial is: 3-5 days.

13. Civil Case Management Plan Requirement

Motion to amend or to join additional parties to be filed no later than:	January 1, 2010
Initial Disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P. to be served no later than:	December 24, 2009
All fact discovery to be completed no later than:	May 14, 2010
Discovery: initial requests for production of documents to be served no later than:	February 26, 2010
Discovery – interrogatories to be served no later than:	February 26, 2010
Discovery – depositions to be completed no later than:	April 26, 2010
Discovery – requests to admit to be served no later than:	March 15, 2010
All expert discovery to be completed no later than:	June 28, 2010
Parties to meet and confer on scheduled for expert disclosures no later than:	April 14, 2010
All counsel to meet face-to-face to discuss	May 28, 2010

settlement no later than:	
Date recommended by counsel for alternate dispute resolution:	June 2010

TO BE COMPLETED BY THE COURT:

14. The next Case Management is scheduled for Wednesday, April 7, 2010 at 2:45 pm
 Courtroom 20-C. The 2-16-10 Conference has been marked off the calendar. (C)
 This ORDER may not be modified or the dates herein extended, except by further Order
 of this Court for good cause shown. Any application to modify or extend shall be made
 in a written application in accordance with paragraph 1(E) of the Court's Individual
 Practices and shall be made no less than two (2) days prior to the expiration of the date
 sought to be extended.

Paul A. Crotty
 Paul A. Crotty
 United States District Judge

Dated: New York, New York

13 JAN 2010

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January 12, 2010

Honorable Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Rosemary Piciullo v. Swiss Re Financial Services Corporation,*
U.S.D.C. S.D.N.Y. Case No. 09-CV-8318 (PAC)

Dear Judge Crotty:

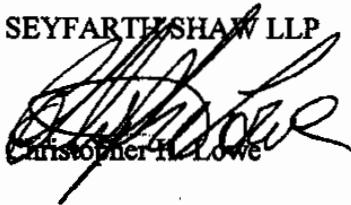
This firm represents Defendant Swiss Re Financial Services Corporation ("Swiss Re") in the above-referenced matter. I write with the consent of counsel for plaintiff Rosemary Piciullo ("Plaintiff") to respectfully request a six-week extension of the case management conference scheduled for February 16, 2010, as well as all other deadlines set forth in the Court's Civil Case Management Plan and Scheduling Order dated December 3, 2009.

Good cause exists for this extension due to a medical emergency. I am lead counsel for Swiss Re in this matter and am scheduled for hip resurfacing surgery on January 29, 2010. I will be on a medical leave of absence until March 15, 2010.

Therefore, the parties respectfully request that the Court adjourn the case management conference until March 30, 2010, or any available date thereafter, and extend the other deadlines set forth in the Order by six weeks. The parties have not previously requested any extensions to date. A proposed revised scheduling order, and the scheduling order entered on December 3, 2009, are enclosed.

Respectfully submitted,

SEYFARTH SHAW LLP



Christopher H. Lowe

cc: Jason Wolf, Esq.

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